IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPLICATION NO.362 OF 2005
IN
CRIMINAL WRIT PETITION NO. 677 OF 2000

Shri Arul Raj .. Applicant

Vs.

The Union of India and ors. .. Respondents

Mr. Prakash Shetty for Applicant.
Mr. D.N. Salvi for Respondent Nos.1 to 3.
Mr. A.M. Shringarpure, APP for Respondent No.4-State.

CORAM: S.S. PARKAR & ANOOP V. MOHTA, JJ.

Date : January 25, 2005.

P.C.:

1. Heard both sides and perused the application. The writ petition filed challenging the order of conviction and sentence recorded against the applicant for offence under Section 302 of IPC was dismissed for default on 5/1/2004. It was noticed by the advocate when the application for expeditious hearing of the petition was sought to be filed in the office of the High Court on 19/1/2005. Since the petition seeks to challenge the order of conviction and sentence of life imprisonment imposed on the applicant he should not be made to suffer for the mistake on the part of the office of the advocate in noticing the matter on the board. The applicant is stated to be in custody for a

period of 7 years and the petition was already directed to be placed for hearing on 12th August 2003.

2. In the circumstances, the delay in filing the application is condoned and the application for restoration is allowed. By consent the Criminal Writ Petition No.677 of 2000 shall be placed on board for hearing before the regular bench in the third week of February, 2005.

(S.S. Parkar, J.)

(Anoop V. Mohta,J.)